

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Douglas Storms York*Defendant*Case No. **CR-15-00226-EJD****1:17-MJ-00218-BAM****ARREST WARRANT**

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) **Douglas Storms York**

who is accused of an offense or violation based on the following document filed with the court:

() Indictment () Superseding Indictment () Information () Superseding Information () Complaint
 () Probation Violation Petition (x) Supervised Release Violation Petition () Violation Notice () Order of the Court

This offense is briefly described as follows:

18:3583 – Violation Supervised ReleaseDate: August 16, 2017

Cita F. Escolano
 Issuing officer's signature

City and state: San Jose, CA

Cita F. Escolano - CR CSA
 Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title

RECEIVED
 U.S. MARSHAL
 2017 AUG 16 PM 2:32

FILED

SEAL BY ORDER
 OF COURT
 2017
 DEPUTY CLERK
 DISTRICT COURT
 DISTRICT OF CALIFORNIA
 Dec 7, 2017

**SEALED BY ORDER
OF COURT**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Jose Venue**

Petition for Arrest Warrant for Offender Under Supervision

Name of Offender
Douglas Storms York

Docket Number
0971 5:15CR00226-001 EJD

Name of Sentencing Judge: The Honorable Edward J. Davila
United States District Judge

Date of Original Sentence: January 4, 2016

Original Offense

Count One: False Impersonation of an Employee of the United States, 18 U.S.C. § 912, a Class E Felony.

Original Sentence: 12 months and one day custody; followed by one year of supervised release

Special Conditions: mental health treatment; drug treatment and testing; abstain from alcohol; \$100 special assessment; no contact with the victim, Allan Hessenflow; search; no firearms, ammunition, destructive devices, or other dangerous weapons.

Prior Form(s) 12: none

Type of Supervision
Supervised Release
Assistant U.S. Attorney
Brianna Penna/Jeffrey Schenk

Date Supervision Commenced
October 24, 2016
Defense Counsel
Graham Archer (Appointed)

FILED

AUG 16 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Petitioning the Court for the issuance of a no bail warrant for the offender's arrest.

I, Amy Rizor, Supervisory U.S. Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

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<u>Charge Number</u>	<u>Violation</u>
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One	There is probable cause to believe that the offender violated the general condition that he not commit another federal, state or local crime.
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On December 25, 2016, Douglas York was arrested by Mariposa County Sheriff's Office and charged with Inflict Corporal Injury on as Spouse/Cohabitant, in violation of California PC 273.5(f)(2), a felony.

York initially appeared in court for the charges; however, failed to appear in Mariposa Superior Court on May 11, 2017, resulting in an arrest warrant, which was held by the court. The warrant was later issued on May 30, 2017; however, recalled on June 1, 2017, as the offender did appear in Mariposa County Superior Court. He remained in the community on his own recognizance, with a no contact order for the victim (the same victim noted in Charge Three of this petition). Court was continued to June 15, 2017, at which time the offender did appear. Court was later continued to July 20, 2017, and again to August 7, 2017. York failed to appear on August 7, 2017, and a second arrest warrant was issued, which remains outstanding.

Evidence of the violation can be found in Mariposa County Sheriff Report number, MF1601461 and the chronological entry, dated May 15, 2017, detailing telephone contact with Mariposa County Superior Court.

<u>Charge Number</u>	<u>Violation</u>
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Two	There is probable cause to believe that the offender violated standard condition number eleven that states the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by law enforcement officer.
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On December 25, 2016, Douglas York was arrested by Mariposa County Sheriff's Office, as detailed in Charge One. Mr. York has appeared in Mariposa Superior Court in regard to the outstanding charges in June 2017. To date, York has failed to notify the U.S. Probation office of his contact with law enforcement officers.

Evidence can be found in the chronological entry dated August 15, 2017, detailing the review of the criminal record check and learning of the conduct and arrest occurring on December 25, 2017, via telephone contact with Mariposa County Superior Court.

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<u>Charge Number</u>	<u>Violation</u>
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Three	There is probable cause to believe that the offender violated the general condition that he not commit another federal, state or local crime.
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On August 3, 2017, Douglas York was detained by Scotts Valley Police for Inflict Corporal Injury on a Spouse/Cohabitant, in violation of PC 273.5 (A), a felony; Kidnapping, in violation of PC 207(A), a felony; False Imprisonment with Violence, in violation of PC 236, a felony; and Contempt: Disobey Court Order, in violation of PC 166 (A) (4), a misdemeanor.

On August 3, 2017, Deputies were dispatched to a report of a woman thrown from a moving vehicle, in the area of 18th Avenue and E. Cliff Drive, Santa Cruz, CA. Upon arrival, paramedics were tending to the victim, who suffered moderate injuries and was transported to the local hospital. Santa Cruz Sheriff's Deputies were able to obtain statements from witnesses, who reported, in summary, a female was heard yelling and the driver, later identified as Douglas York, was seen driving away with the front passenger car door open. Upon turning onto E. Cliff Drive, the vehicle accelerated to approximately 25 to 30 miles an hour. York was seen holding the victim's head, and the victim was then seen falling/flying out of the vehicle, hitting her head on the pavement hard enough to bounce.

The victim, who was interviewed by officers at the hospital, advised she and York had been in a dating relationship off and on for approximately seven months, and she had been staying with him for approximately one week. She stated there has been physical violence and York does assault her often, noting San Jose Police was at her house a few days prior for a disturbance. The victim stated that on August 3, 2017, at approximately 1:00pm, the couple was at Sunny Cove Beach, and an argument ensued, as the victim advised York she wanted to return to her family in Texas. She stated she kept the door of the vehicle open as she was afraid of what York might do to her. As York began driving off in the vehicle, the victim's door was still open. She yelled for York to let her out of the vehicle; however, he did not stop. She reported when he got to the intersection of E. Cliff Drive and 18th Avenue, York elbowed her in the stomach and pushed her out of the vehicle.

York was stopped by Scotts Valley Police Officers, detained and transported to Santa Cruz Sheriff's Office Headquarters. An emergency protective order was approved for the victim.

Evidence can be found in the Santa Cruz County Sheriff's Office Incident Report, case number 1706490.

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<u>Charge Number</u>	<u>Violation</u>
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Four

There is probable cause to believe that the offender violated the general condition that he not commit another federal, state or local crime.

On August 6, 2017, Douglas York was arrested by Morgan Hill Police Officers for Inflict Corporal Injury on Spouse/Cohabitant, in violation of PC 273.5 (A), a felony (warrant arrest); Possession of a Controlled Substance, in violation of California H&S Code 11377 (A), a misdemeanor; and Violation of Court Order to Prevent Domestic Violence, in violation of California PC 273.6 (A), a misdemeanor (warrant arrest).

On August 6, 2017, at approximately 4:15pm, during a routine patrol check, a record check was conducted on a motorcycle parked at 16505 Condit Road, Morgan Hill, CA (Executive Inn). The motorcycle was registered to Douglas York, who officers knew to be recently involved in a domestic violence case (July 31, 2017, in Morgan Hill, CA), with a felony affidavit on file for his arrest. The officer was able to confirm the affidavit on file. As York was seen walking toward the motorcycle, he was arrested for Inflict Corporal Injury on Spouse/Cohabitant and Violation of Court Order to Prevent Domestic Violence, per the felony affidavit.

York was asked if he had anything illegal on him, to which he advised the officer he had methamphetamine in his pants pocket. A plastic Ziploc style baggie was located containing a crystalline substance, weighing approximately 3.45 grams and testing presumptive positive for methamphetamine. York was additionally arrested for Possession of a Controlled Substance.

Evidence can be found in the Morgan Hill Police Report, case number 17002062.

<u>Charge Number</u>	<u>Violation</u>
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Five

There is probable cause to believe that the offender violated standard condition number eleven that states the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by law enforcement officer.

As noted in Charge Three of this petition, York was stopped and detained by Scotts Valley Police Officers on August 3, 2017. He was transported to Santa Cruz County Sheriff's Headquarters, where he was questioned by officers on August 3, 2017. To date, York has not reported contact with law enforcement to the U.S. Probation office.

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Evidence can be found in the chronological entry dated August 15, 2017, detailing the review of the criminal record check revealing the law enforcement contact occurring on August 3, 2017, and Santa Cruz County Sheriff's Office Incident Report, case number 1706490.

Charge NumberViolation

Six

There is probable cause to believe that the offender violated standard condition number eleven that states the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by law enforcement officer.

As noted in Charge Four of this petition, York was arrested by Morgan Hill Police Officers on August 6, 2017. To date, York has not reported contact with law enforcement to the U.S. Probation office.

Evidence can be found in the chronological entry dated August 15, 2017, detailing the review of the criminal record check, revealing the law enforcement contact occurring on August 6, 2017, and the Morgan Hill Police Report, case number 17002062.

Charge NumberViolation

Seven

There is probable cause to believe that the offender violated standard condition number seven that states, in part, the defendant shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances.

As detailed in Charge Four of this petition, York was arrested on August 6, 2017, by Morgan Hill Police, as he was found to be in possession of approximately 3.45 grams of methamphetamine. York was searched by Morgan Hill Police, incident to his arrest on a felony warrant. A Ziploc style baggie was located on his person with a crystalline substance, which tested presumptive positive for methamphetamine.

Evidence can be found in the Morgan Hill Police Report, case number 17002062.

Charge NumberViolation

Eight

There is probable cause to believe that the offender violated standard condition number eleven that states the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by law enforcement officer.

On June 24, 2017, Douglas York was arrested by San Jose Police on an out of county warrant issued by Mariposa County Superior Court.

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To date, York has not reported law enforcement contact with the U.S. Probation Office.

Evidence can be found in the criminal record check reviewed on August 14, 2017, San Jose Police report, event number 171750520, and the chronological entry dated August 15, 2017, detailing the conversation with San Jose Police Records division.

<u>Charge Number</u>	<u>Violation</u>
Nine	There is probable cause to believe that the offender violated standard condition number one that states, the defendant shall not leave the judicial district without the permission of the court or probation officer.

As detailed in Charge One of this petition, York was arrested in Mariposa County on December 25, 2016. Mariposa County is in the Eastern District of California. York also traveled to the Eastern District of California for purposes of attending court appearances. Mr. York did not have permission from the probation office to be outside the Northern District of California.

Evidence of the violation can be found in Mariposa County Sheriff Report number, MF1601461 and the chronological entry, dated May 15, 2017, detailing telephone contact with Mariposa County Superior Court.

<u>Charge Number</u>	<u>Violation</u>
Ten	There is probable cause to believe that the offender violated the general condition that he not commit another federal, state or local crime.

On July 31, 2017, at approximately, 3:21pm, Morgan Hill Police Department (MHPD) Dispatch received a report of domestic violence incident, which occurred in the area of Monterey Road and Cochrane Boulevard, Morgan Hill, CA. Douglas York and a female (noted as the same victim in Charges One and Three of this petition) were in a verbal argument while driving on York's motorcycle. The victim indicated she wanted to get off of the motorcycle and a physical altercation occurred. The female stated York grabbed both of her wrists with his right hand and held them forward toward the gas tank of the motorcycle. York grabbed the victim's helmet by the chin guard, and both fell from the bike, after coming to a stop. The female sustained injuries to both of her knees in the form of small abrasions from falling on the asphalt roadway. York fled the scene before police officers arrived. York is a restrained party in a served criminal protective order, and the alleged victim is the protected party. The

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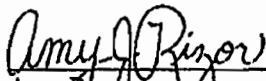
order was issued in Mariposa County (court case number 14312),
effective June 1, 2017 through March 30, 2020.

Evidence can be found in the Morgan Hill Police Report, case number
1700206.

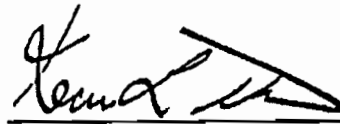
Based on the foregoing, there is probable cause to believe that Douglas Storms York violated the
conditions of his Supervised Release. Therefore, I ask the Court to issue a no bail warrant for his
arrest.

Respectfully submitted,

Reviewed by:



Amy Rizer
U.S. Probation Officer
Date Signed: August 15, 2017



Veronica Ramirez
Assistant Deputy Chief U.S. Probation Officer

Having considered the information set forth above, the court finds there is probable cause to
believe there has been a violation of the conditions of supervision and orders:

☒ The issuance of a no bail warrant AND ORDER THAT THIS FORM BE FILED UNDER
SEAL, AND NO PUBLIC RECORD OF WARRANT ISSUANCE BE MADE, UNTIL
EXECUTED WARRANT IS RETURNED FROM THE U.S. MARSHAL. THE FORM 12
WILL BE AUTOMATICALLY UNSEALED AND BE PART OF THE PUBLIC
RECORD UPON ITS EXECUTION.

☐ Other:

8/16/17
Date



Edward J. Davila
United States District Judge

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APPENDIX

Grade of Violations: Grade B

Criminal History at time of sentencing: VI

	Statutory Provisions	Guideline Provisions
Custody:	One year custody 18 U.S.C. § 3583(e)(3)	21-27 months USSG § 7B1.4(a)
Supervised Release:	One year, less any custody term imposed 18 U.S.C. § 3583(h)	One year, less any custody term imposed USSG § 7B1.3(g)(2)
Probation:	Not applicable	Not applicable